

COPY

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Attorneys for Defendants
 ORTHO-MCNEIL PHARMACEUTICAL, INC.
 and MCKESSON CORPORATION

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

EDL

JENIFER ARGENBRIGHT, an individual;
 BERLINE BROWN, an individual;
 JENNIFER BURGOS, an individual;
 TAMANDA CLAY, an individual;
 TAMEKIA COOPER, an individual;
 KIYANA DORSEY, an individual;
 VALENCIA DOWDY, an individual;
 PATRICIA EMBURY, an individual;
 TENILLE EVANS, an individual;
 MARTHA GREENWALT, an individual;
 BRANDY HEBERT, an individual;
 YOLANDA HENDERSON, an individual;
 RAINA HENNING, an individual; AMY
 HERNANDEZ, an individual; CARRISA
 HODGES, an individual; ALIKE JASON,
 an individual; CHRISTIE JENNINGS, an
 individual; KAYLA JOHNSON, an
 individual; REBECCA KLAHS, an
 individual; NANCY LAMPKA, an
 individual; TASHA LEAVY, an individual;
 PAMELA LUCAS, an individual; KATIE
 MARTIN, an individual; SHARON
 MASON, an individual; CALLENA
 MAUPIN, an individual; MICHELLE
 MCMILLIAN, an individual; DAYANITA
 MEDJESKY, an individual; CRYSTAL
 MEYER, an individual; TONI MEZA, an
 individual; STEPHANY MILLER, an
 individual; KATHERINE MOCZULSKI,
 an individual; BETHANY MORGAN, an
 individual; ANA PADILLA, an individual;
 BRENDA B. PEREZ, an individual;
 DIANA PLUMMER, an individual;
 LATOSHA PREVOST, an individual;
 JULIE ROBLES, an individual; SYLVIA
 SANDOVAL, an individual; SHANELL

Case No.

DECLARATION OF BRENDA N.
 BUONAIUTO IN SUPPORT OF NOTICE
 OF REMOVAL AND REMOVAL OF
 ACTION UNDER 28 U.S.C. § 1441(B)
 [DIVERSITY]

DRINKER BIDDLE & REATH
 LLP
 50 Fremont Street, 20th Floor
 San Francisco, CA 94105

1 SHEARD, an individual; SHERI SIMS, an
2 individual; HELEN SMITH, an individual;
3 JORETH SPANN, an individual;
4 KAMIKA SPENCER, an individual;
5 HEATHER SPURRIER, an individual;
6 REBECCA STAHL, an individual; KATIE
7 TANIS, an individual; ANTONIA
8 THOMAS, an individual; BRITNEY
9 VALEAD, an individual; ERICA
10 VALENTIN, an individual; KRISTIN
11 WALSH-MONTANEZ, an individual;
12 EMILIA WILLIAMS, an individual;
13 REBECCA WORKMAN, an individual;
14 MELISSA ZALES, an individual,

Plaintiffs,

v.

11 ORTHO-MCNEIL PHARMACEUTICAL,
12 INC., a Delaware Corporation;
13 MCKESSON CORP. and DOES 1-500,
14 inclusive,

Defendants.

1 I, Brenda N. Buonaiuto, declare:

2 1. I am an attorney admitted to practice before all courts of the State of
3 California and am Counsel with Drinker Biddle & Reath, LLP, attorneys for defendants
4 Ortho-McNeil Pharmaceutical, Inc. ("OMP") and McKesson Corporation ("McKesson")
5 in this action. I make this Declaration based on my personal knowledge, in support of
6 OMP's removal of *Jenifer Argenbright, et al. v. Ortho-McNeil Pharmaceutical, Inc.,*
7 *McKesson Corp., and Does 1-500, inclusive*, Case Number CGC-07-463331 to this
8 Court. I would and could competently testify to the matters stated in this Declaration if
9 called as a witness.

10 2. A true and accurate copy of the Complaint in this action is attached as
11 **Exhibit A**. The Complaint is the only state court pleading known to OMP and to
12 McKesson to have been filed in this action.

13 3. OMP was and is a corporation existing under the laws of the State of
14 Delaware, with its principal place of business in New Jersey. OMP was served with the
15 Summons and Complaint in this action on June 12, 2007.

16 4. McKesson was served with the Summons and Complaint in this action on
17 June 20, 2007. McKesson consents to removal of this action to this Court.

18 5. OMP will file a notice of the filing of this Notice of Removal and Removal
19 in the San Francisco County Superior Court and will serve plaintiffs' counsel with a
20 copy.

21 6. On March 1, 2006, the Judicial Panel on Multidistrict Litigation ("JPML")
22 created MDL 1742, *In re: Ortho Evra Products Liability Litigation*, ruling that all
23 federal actions involving allegations of injury or death from use of the prescription drug
24 Ortho Evra® be centralized for pre-trial purposes in the United States District Court for
25 the Northern District of Ohio, before the Honorable David A. Katz, Case Number 1:06-
26 CV-40000-DAK. To date, over 500 cases have been transferred to MDL 1742, and
27 transfers of additional "tag-along" actions are pending.

28 7. Attached as **Exhibit B** is a true and accurate copy of the Declaration of

1 Greg Yonko, Senior Vice President – Purchasing, McKesson Corporation, filed in *Abel,*
 2 *Theresa, et al. v. Ortho-McNeil Pharmaceutical, Inc., et al.*, United States District Court,
 3 Northern District of California, Case No. C 06 7551 SBA, on December 8, 2006.

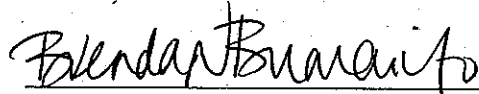
4
 5 8. Attached as **Exhibit C** is a true and accurate copy of the Slip Opinion
 6 denying the plaintiffs' motion to remand in *In re Phenylpropanolamine ("PPA")*
 7 *Products Liability Litigation*, MDL No. 1407, Docket No. C02-423R, in the United
 8 States District Court for the Western District of Washington (Seattle), dated November
 9 27, 2002.

10 9. Attached as **Exhibit D** is a true and accurate copy of the Slip Opinion
 11 denying the plaintiffs' motion to remand in *Barlow, et al. v. Warner-Lambert Co., et al.*,
 12 Case No. CV 03-1647-R(RZx), in the United States District Court for the Central District
 13 of California (Western Division), dated April 28, 2003.

14 10. Attached as **Exhibit E** is a true and accurate copy of the Slip Opinion
 15 denying the plaintiffs' motion to remand in *Skinner, et al. v. Warner-Lambert Co., et al.*,
 16 Case No. CV 03-1643-R(RZx), in the United States District Court for the Central District
 17 of California (Western Division), dated April 28, 2003.

18 11. I have reviewed reports of verdicts and settlements in cases in this judicial
 19 district, brought by plaintiffs claiming serious injuries from the use of prescription drugs
 20 or medical devices. Given the similarity between the injuries alleged in those cases and
 21 plaintiffs' claims, it is reasonably believed that if plaintiffs succeeded in proving their
 22 allegations in this action, they would each recover in excess of \$75,000, exclusive of
 23 interest and costs. Plaintiffs claiming substantially similar injuries in the Ortho Evra®
 24 MDL have specifically alleged that the amount in controversy in their respective actions
 25 exceeds \$75,000, exclusive of interest and costs.

26 I declare under penalty of perjury under the laws of the United States of America that
 27 the foregoing is true and correct. Executed on June 29, 2007.

28 
 Brenda N. Buonaiuto